



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**JUN 28 2017.**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Occidental Chemical Corporation  
Occidental Tower  
5005 LBJ Freeway, Suite 1350  
Dallas, TX 75244

Attention: Frank Parigi, Esq.  
Vice President and General Counsel  
Glenn Springs Holdings, Inc.

Re: Diamond Alkali Superfund Site, Lower Passaic River Study Area  
Administrative Order on Consent, Index No. CERCLA 02-2011-2016  
**Bill for Collection No. 2721726S0031**

Dear Mr. Parigi:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. §§ 9601-9675. EPA has documented the release or threat of release of hazardous substances into the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site (the "Site"). In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions to investigate and control such releases and threatened releases at the Site pursuant to Section 104 of CERCLA.

On October 4, 2011, EPA entered into an Administrative Order on Consent ("Order"), Index No. CERCLA 02-2011-2016, with Occidental Chemical Corporation ("OCC") for the performance of the Combined Sewer Overflow/Storm Water Outfall ("CSO-SWO") Investigation. Pursuant to Paragraph 91(a) of this Order, OCC agreed to reimburse EPA for all Future Response Costs, as defined in the Order, incurred by EPA in connection with the CSO-SWO Investigation.

This letter serves as Bill for Collection No. 2721726S0031 ("Bill"), covering the period from September 1, 2015 through September 3, 2016.

Enclosure A is a narrative statement describing EPA's oversight and response costs paid during the time period covered by the Bill. Enclosure B consists of two itemized cost summaries, referred to as Superfund Cost Recovery Package Imaging and On-Line System ("SCORPIOS") reports, for the Diamond Alkali Site, site identification number 02-96, Operable Unit ("OU") 00

and OU02 CSO-SWO. For the purposes of the SCORPIO\$ reports, OU02 CSO-SWO represents the CSO-SWO Investigation.

Some personnel charged their time to OU00 to represent time spent equally on all OUs. Therefore, the OU00 costs have been apportioned among OU01, OU02 (OCC/Tierra Solutions, Inc. ["TSI"] Removal and OCC/TSI CSO/SWO Investigation), OU03 (Cooperating Parties Group ["CPG"] lead remedial investigation and feasibility study, CPG-lead Removal, and EPA-lead work) and OU04 (Newark Bay), as described in the enclosure. While all OU00 charges are included in the SCORPIO\$ report for OU00 that appears in Enclosure B, this Bill includes only those costs that EPA has apportioned to the CSO-SWO Investigation.

EPA certifies that as of September 3, 2016, it has expended at least \$25,112.77 in oversight and response costs relating to the CSO-SWO Investigation.

As per Section XVIII 91.a. of the Order, payment shall be made within thirty (30) days of receipt of this letter via electronic funds transfer ("EFT"). If payment is not received by this date, a daily interest charge of 0.0019% (0.70% per annum) will be assessed from the first day after the payment is overdue through the date of payment. To make this payment, please instruct your bank to remit payment to EPA via EFT accompanied by the following information:

- i. Amount of payment: **\$25,112.77**
- ii. EFT to be directed to: **Federal Reserve Bank of New York**
- iii. Bank routing number: **021030004**
- iv. Bank account number receiving payment: **68010727**
- v. SWIFT address: **FRNYUS33**
- vi. Address: **Federal Reserve Bank of New York**  
**33 Liberty Street**  
**New York, NY 10045**
- vii. Field tag 4200 of Fedwire message to read (for Fedwire payments):  
**D 68010727 Environmental Protection Agency**
- viii. Name of remitter: **Occidental Chemical Corporation**
- ix. Case number: **CERCLA 02-2011-2016**
- x. Site name: **Diamond Alkali Superfund Site**
- xi. Site/spill identifier: **02-96**

To ensure that your payment is properly recorded, you must send either an email or a letter, contemporaneously with the EFT, which references the date of the EFT, the payment amount, the name of the Site, the Site identification number, the case number, and your name and address to:

Alice Yeh, Remedial Project Manager  
Passaic Hackensack Newark Bay Remediation Branch  
Emergency & Remedial Response Division  
United States Environmental Protection Agency, Region 2  
290 Broadway, 19<sup>th</sup> floor  
New York, New York 10007-1866  
email: yeh.alice@epa.gov

and

Frances Zizila, Assistant Regional Counsel  
Office of Regional Counsel  
United States Environmental Protection Agency, Region 2  
290 Broadway, 17<sup>th</sup> floor  
New York, New York 10007-1866  
email: zizila.frances@epa.gov

and

Jessica Henderson  
United States Environmental Protection Agency  
26 West Martin Luther King Drive  
Attention: FINANCE  
MS: NWD2  
Cincinnati, Ohio 45268  
emails: henderson.jessica@epa.gov and cinwd\_acctsreceivable@epa.gov

The United States reserves its rights to recover any costs paid during the time period covered by this accounting but not included in this billing, and all other oversight and response costs paid pursuant to the Order.

EPA reaffirms its commitment to conduct appropriate and cost-effective oversight of work performed by consenting parties while ensuring protective cleanups. To this end, EPA is prepared to discuss its plans for the oversight of ongoing work at the Site, and to provide you with the opportunity to suggest ways to effectively streamline the work and its oversight.

If you have any questions regarding this matter, please contact Alice Yeh at (212) 637-4427. Legal inquiries should be directed to Frances Zizila at (212) 637-3135. Thank you for your prompt attention to this matter.

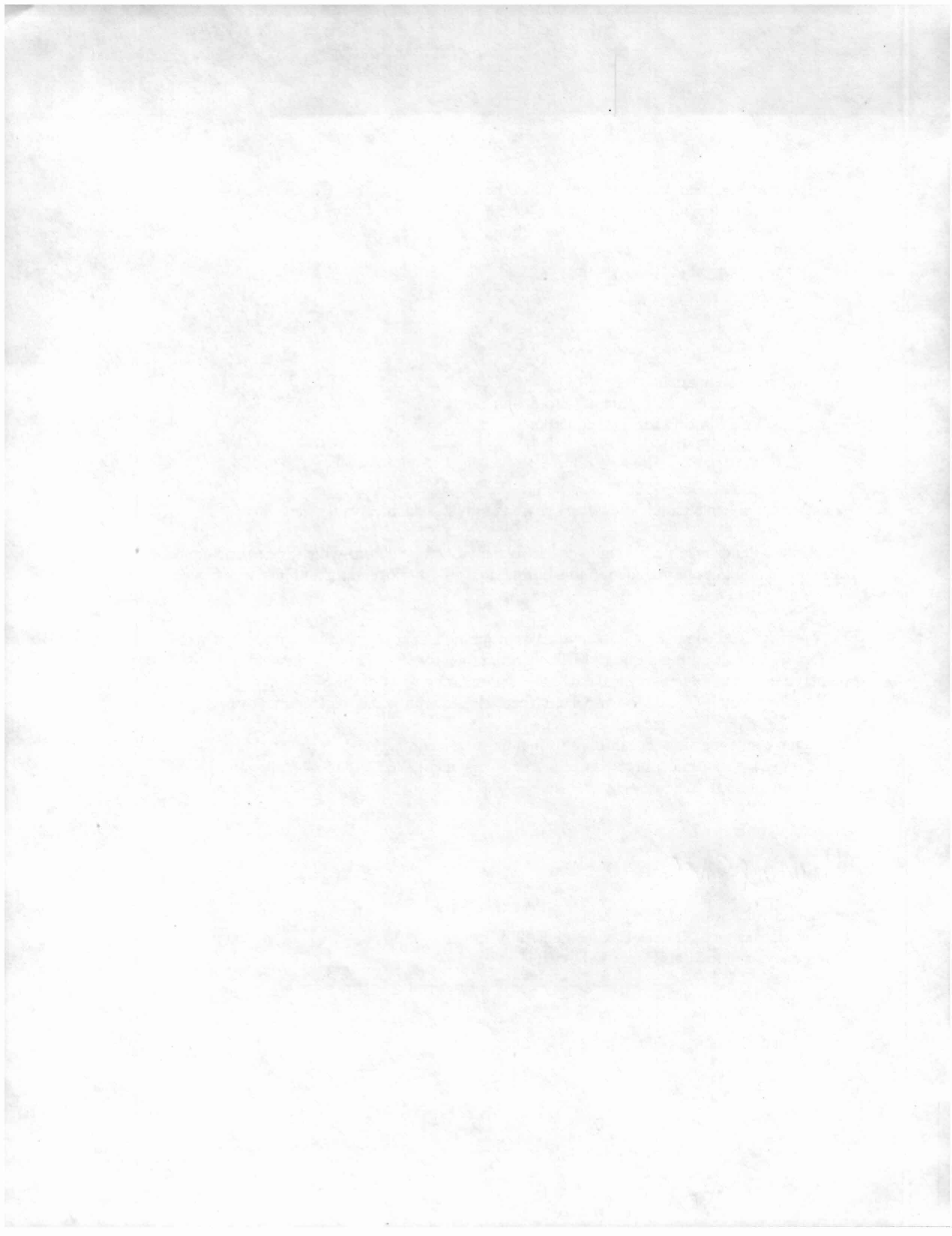
Sincerely yours,

A handwritten signature in blue ink, appearing to read "Michael Sivak".

Michael Sivak, Branch Chief  
Passaic Hackensack Newark Bay Remediation Branch  
Emergency & Remedial Response Division

Enclosures

cc: Juan Somoano, Glenn Springs Holdings



## **ENCLOSURE A**

Summary of Costs Paid by EPA

09/01/15 through 09/03/16

Diamond Alkali Superfund Site, Newark, New Jersey

Operable Unit Two ("OU02")

Combined Sewer Overflow/Storm Water Outfall ("CSO-SWO") Investigation

Site ID: 02-96

### **COSTS FOR OU02 CSO-SWO FROM OU02 & OU03 SCORPIOS REPORTS**

#### **Payroll from OU02 CSO-SWO report:**

These costs consist of direct EPA personnel charges for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent, Index No. CERCLA-02-2011-2016 ("AOC"), including review of technical submissions, meetings and/or conferring with OCC representatives, internal meetings and conferences concerning the CSO-SWO Investigation, community relations/outreach and coordination with Partner Agencies. See enclosed Payroll Section 3 of EPA's Itemized Cost Summary.

\$ 2,794.17

#### **Interagency Agreement (IAG) for OU02 CSO-SWO (from IAG in OU03 CPG-lead report):**

These costs consist of technical support by the U.S. Army Corps of Engineers, Kansas City, for oversight of work performed under this AOC. Some of the costs included in IAG DW96942125 for the voucher numbers listed in Enclosure C are related to oversight of the CSO-SWO Investigation.

\$ 11,173.00

#### **Indirect Costs for OU02 CSO-SWO from OU02 & OU03 reports:**

Indirect costs are those costs which are necessary to the operation of the Superfund program and the support of Site cleanup efforts, but which cannot be tied directly to the efforts at any one site. Indirect costs are allocated to particular Superfund sites by means of a methodology established by EPA Headquarters.

[( \$2,794.17 + \$11,173.00 ) \* 47.99%]

\$ 6,702.84

Subtotal of Costs for this Bill contained in OU02 & OU03 SCORPIO\$ Reports: **\$ 20,670.01**



## **COSTS FOR OU02 CSO-SWO FROM OU00 SCORPIO\$ REPORT**

### **Payroll and Travel from OU00 report:**

The OU00 SCORPIO\$ report includes payroll and travel for OU01, OU02 (OCC/TSI Removal and CSO-SWO Investigation), OU03 (EPA lead work, CPG-lead Removal and CPG-lead RI/FS) and OU04 (Newark Bay). Therefore, these costs were divided evenly among the seven components.

[( $\$20,559.12 + \$90.20$ ) divided by 7] \$ 2,949.90

### **Other Expenditures from OU00 report:**

The OU00 SCORPIO\$ report includes charges for contractor support for file storage and maintenance by EnSoftek for OU01, OU02 (OCC/TSI Removal and OCC/TSI CSO/SWO Investigation), OU03 (EPA-lead work, CPG-lead Removal and CPG-lead RI/FS) and OU04 (Newark Bay). Therefore, these costs were divided evenly among the seven components.

[\$364.85 divided by 7] \$ 52.12

### **OU00 costs not associated with this bill:**

The "SRA International, Inc." charges for contractor support for Community Advisory Group facilitation were not related to work performed under this AOC for the OU02 CSO-SWO.

### **Indirect Costs from OU00 report:**

See description above.

Indirect Costs from OU00 SCORPIO\$ Report apportioned to OU02 CSO-SWO:  
[\$10,085.18 / 7] \$ 1,440.74

Subtotal of Costs for this Bill contained in OU00 SCORPIO\$ Report: **\$ 4,442.76**

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Subtotal of Costs for Bill contained in OU02 & OU03 SCORPIO\$ Reports:	<b>\$ 20,670.01</b>
Subtotal of Costs for Bill contained in OU00 SCORPIO\$ Report:	<b><u>\$ 4,442.76</u></b>
<b>OU02 CSO-SWO Bill for Collection Amount</b>	<b>\$ 25,112.77</b>